

REMARKS

This paper is responsive to the Office Action dated September 4, 2007. All rejections and objections of the Examiner are respectfully traversed. Reconsideration is respectfully requested.

The Examiner rejected claims 1-23 under 35 U.S.C. 102(e) for anticipation by United States patent number 6,636,598 of Thomson ("Thomson"). Applicant respectfully traverses this rejection, based on the Examiner's misinterpretation of the word "agent" in Thomson as referring to a software agent. As explained further below, Thomson describes a system for human agents, and makes no reference to software agents of any kind. The present claims have been amended herein for the purpose of emphasizing this fundamental distinction between the claimed invention and the teachings of Thomson.

Thomson describes an automated transaction distribution system that assigns an incoming call or the like to an "agent." While the noun "agent" by itself and unqualified may generally be defined as "A person or thing that acts or has the power to act" (see definition of "agent" in www.dictionary.com), a complete reading of Thomson makes clear that the agents referred to therein are specifically human beings. In the Abstract, Thomson states that the system described therein assigns an incoming transaction to an agent "*who* is selected to handle the transaction" (emphasis added). As it is generally known, the pronoun "who" refers to "what person or persons" (see definition of "who" in www.dictionary.com). See also Thomson's use of "who" in with reference to an agent in line 54 of column 4. Similarly, the second sentence of the Abstract in Thomson goes on to describe a "best agent" as possibly being unavailable because "*he or she* is handling another transaction".

At column 2, beginning at line 61, Thomson describes checking agent availability in a way that also makes clear that the agents being referred to are persons:

The calculation of agent availability for agents engaged in non-contact activity attempts to determine the time when the agent will be ready to handle a new transaction. The calculation result will depend upon the expected return time of the agent, which can be determined using automated *workforce management* methods of the type used for establishing agent *staff schedules* and determining agent staff requirements. (emphasis added)

The Examiner's attention is respectfully directed to the use of the terms "workforce management" and "staff schedules" used in the above section and elsewhere in Thomson. These terms include the agents of Thomson as part of a "workforce" or "staff", thus again indicating that such agents are persons. See also the Workforce Management System 17. In column 4, at lines 22 and 23, Thomson describes non-contact activity of an agent as including a "break" or "meeting". These activities that are well known to be associated with people, not software.

The above cited sections are merely specific examples of how the overall teachings of Thomson are exclusively related to *human* agents, such as one might employ to answer calls or other transactions at a call center or the like. In contrast, the presently claimed invention as set forth in independent claims 1, 12 and 18, relates to *software agents operating in a computer system*. Nothing in Thomson makes any reference to using software agents operating in a computer system for any purpose, far less to any technique for identifying one or more off-schedule software agents, as set forth in the present independent claims 1, 12 and 18.

For the above reasons, Applicant respectfully urges that Thomson does not disclose or suggest all of the features of the present independent claims 1, 12 and 18. Accordingly, Thomson does not anticipate independent claims 1, 12 and 18 under 35 U.S.C. 102. As to the

remaining claims, they each depend from claims 1, 12 and 18, and are respectfully believed to be patentable over Thomson for at least the same reasons.

Reconsideration of all pending claims is respectfully requested.

In this Amendment, Applicant has cancelled claim 23 from further consideration in this Application. Applicant is not conceding that the subject matter encompassed by claim 23 is not patentable. Claim 23 was cancelled solely to facilitate expeditious prosecution of the remaining claims. Applicant respectfully reserves the right to pursue additional claims, including the subject matter encompassed by claim 23, as presented prior to this Amendment, in one or more continuing applications.

Applicant has made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues requiring adverse action, it is respectfully requested that the Examiner telephone the undersigned Applicant's Attorney at 617-630-1131 so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

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Date

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